



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

DEC 19 2005

Dave Miller, Director
Department of Planning and Economic Development
Cayuga County Office Building
160 Genesee Street
Auburn, New York 13021

Dear Mr. Miller:

Having reviewed the additional information that we recently received concerning the wastewater collection and conveyance system project in the Village of Fair Haven, New York, we have determined that the initial phase qualifies for a categorical exclusion (CATEX) from substantive environmental review requirements pursuant to the Environmental Protection Agency's regulations for implementing the National Environmental Policy Act (NEPA), 40 CFR Part 6.


The project is being partially funded through a federal Special Appropriation Act Grant awarded to the Cayuga County Water and Sewer Authority. As outlined in the October 14, 2005 letter from Mr. Steven Eckler of O'Brien & Gere Engineers, the initial phase involves installation of approximately 4,400 linear feet of sanitary sewers and force main within the right-of-way of New York State Route 104A in conjunction with roadway reconstruction work to be undertaken by the New York State Department of Transportation in May 2006.

Based on our review of the supporting documentation, the Environmental Protection Agency (EPA) approves the request for the CATEX. Please be reminded that EPA may revoke this CATEX if any of the following conditions occur:

- changes in the proposed action render it ineligible for exclusion;
- new evidence indicates that serious local or environmental issues exist; or
- federal, state, or local laws would be violated.

Should you have any questions regarding this decision, please address them to John Filippelli, Chief, Strategic Planning and Multi-Media Programs Branch, at the above address.

Sincerely,


for Alan J. Steinberg
Regional Administrator

Enclosure

ENCLOSURE

**Cayuga County Water and Sewer Authority
Village of Fair Haven Sanitary Sewer System
Cayuga County, New York
Special Appropriations Act Grant No. XP9827840**

Background

The Cayuga County Water and Sewer Authority is planning for the construction of a sanitary sewer system in the Village of Fair Haven, New York, to alleviate the sewage disposal problems that are resulting in raw sewage pollution that is affecting Little Sodus Bay and has resulted in a Consent Order between the Village and the New York State Department of Environmental Conservation. The Consent Order required the Village to perform a comprehensive evaluation of all sewage disposal problem areas, including development of a phosphorous/nutrient model of Little Sodus Bay, and to provide a solution to the problems. As required by the Consent Order, the Village prepared a phosphorous/nutrient model of Little Sodus Bay, and evaluated the option of implementing a septic tank management plan for the area, as well as a village-wide sanitary sewer system. Ultimately, the NYSDEC determined that a septic tank management plan would not be able to adequately address the pollution problems of Little Sodus Bay and encouraged the Village to install a sanitary sewer system to address the problem in a comprehensive manner.

The overall \$16 million project, planned to be completed in four phases, consists of approximately twenty miles of sewer pipe, 10 pump stations, and 375 grinder pumps. It would, convey wastewater from Cayuga County Sewer District No. 2 to the Wayne County Red Creek Area Wastewater Treatment Facility (WTF) for treatment. In 2002, EPA issued a Finding of No Significant Impact/Environmental Assessment for construction of the Red Creek WTF.

Proposed Action

In an October 14, 2005 letter to EPA, the Authority's engineer indicated that EID preparation is underway for the overall project and requested a determination from EPA concerning whether a small portion of the project within the Village of Fair Haven would be eligible for categorical exclusion on its own. Specifically, the Authority is proposing to have the sewer lines installed within the right-of-way of NYS Route 104A in conjunction with that highway's planned repaving in May 2006. Once installed, these sewer lines could not be placed in use until most of the rest of the system is completed and operational. However, placement of the 4,400 linear feet of piping along Route 104A will not dictate or unreasonably limit the routing of the other 19 miles of sewer pipe.

Alternatives Considered

In addition to the "Proposed Action," the "No Action" and "Septic Tank Management" alternatives were considered. "No Action" would mean that the state highway would have to undergo a second costly reconstruction and renovation when the sewers are eventually installed, thus adding significantly to the cost of sewer installation along that road. Establishment of a "Septic Tank Management" district was also considered, but determined to be incapable of resolving the extensive pollution problems in the bay and in local groundwater from septic tanks as well as point source dischargers.

Eligibility for Granting a Categorical Exclusion

The project meets the general Categorical Exclusion (CATEX) eligibility criteria found in 40 CFR 6.107(d)(1). The regulations allow CATEXs for activities involving "actions which are solely directed toward... the construction of new ancillary facilities adjacent or appurtenant to existing facilities."

Additionally, the available information on the proposed action indicates that the specific criteria for not granting a CATEX, found in 40 CFR 6.505(c)(1), are not present. Specifically, the project will not result in a new or relocated discharge to surface or ground waters; will not increase the amount of pollutants discharged to receiving waters; nor will it provide capacity to serve a population significantly greater than the existing population. Installation of the pipe in the roadway right-of-way in conjunction with planned roadway improvement work is the least-damaging to the local environment. Furthermore, there will be no significant adverse effects on cultural resources, endangered or threatened species, environmentally sensitive areas, or other environmentally important natural resource areas.

Conclusion

The proposed action conforms to the category of actions eligible for exclusion under 40 CFR 6.107(d)(1). Accordingly, EPA approves this request for a CATEX from detailed environmental review pursuant to our procedures for implementing the National Environmental Policy Act. However, discussion of this phase of the project will also be included in the environmental information document that the County is currently preparing for the overall project.